

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 5, 2023  
**RE:** Development Variance Permit Application — Electoral Area “A” (A2023.029-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. A2023.029-DVP, to allow for the construction of an accessory building at 660 Raven Hill Road, be denied.**

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Legal: Lot 7, District Lot 2709, SDYD, Plan KAP77363 Folio: A-06749.505

OCP: Large Holdings (LH) Zone: Large Holdings One Site Specific (LH1s)

Variance Request: to permit the construction of a deck on an accessory building.

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## Proposed Development:

This application is seeking a variance to Section 7.1.3 of the Okanagan Valley Zoning Bylaw that applies to the subject property in order to formalize an accessory building (i.e., a “yoga/meditation building”).

Specifically, it is being requested to permit the construction of a deck on an accessory building and in support of this request, the applicant has stated, amongst other things, that:

- *Strict compliance with Zoning Regs seems unreasonable and un-necessary;*
- *Proposed variance does not impact the character of the streetscape or surrounding area;*
- *No electricity, no plumbing;*
- *Building not designed for continuous human occupancy;*
- *Built on existing gravel pad as to not disturb any of this environment.*

## Site Context:

The property is 5.6 ha in area and is situated on the west side of Raven Hill Road, approximately 8.75 km east of the boundary of the Town of Osoyoos. The property contains a single detached dwelling, and two accessory buildings (an RV barn and the subject yoga/meditation building).

The surrounding pattern of development is generally characterised by similar rural residential development to the east, north, and south, and undeveloped lands to the west.

## Background:

The boundaries of the subject property were created on January 27, 2005, while available Regional District records indicate that a building permit was issued for a single detached dwelling (2006).

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Under the Area “A” Official Community Plan (OCP) the property is designated Large Holdings (LH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation. It is zoned Large Holdings One Site Specific (LH1s) which permits “accessory building or structure”.

The property has been the subject of a Stop Work Notice for constructing two accessory buildings on the property without building permits. The proposed yoga/meditation studio is one of the accessory buildings under the Stop Work Notice and the issuance of a Development Variance Permit would be required prior to applying for a building permit to retain the building in its proposed layout.

BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on August 30, 2023. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In 2020, the Electoral Areas Zoning Bylaws were amended as part of an Accessory Dwelling Update. The Update allowed for accessory dwellings in a wider range of zones, where appropriate, and to provide further clarity on the use of accessory buildings and structures.

Decks or balconies (as well as bedrooms, sleeping facilities, showers and bathtubs), are indicators of an accessory building being utilized for habitation purposes, or having greater potential to be used for habitation in the future.

This is of particular concern in situations where the existing zoning does not permit the construction of an accessory dwelling and, in this instance, the Large Holdings One Site Specific (LH1s) zoning that applies to the properties along Raven Hill Road explicitly prohibits accessory dwellings.

The building is open concept with no separate rooms, kitchen, or washrooms, does not have any electrical or plumbing fixtures/hook ups and is not heated; all of which are ordinarily features of habitable dwelling units.

The absence of these features would alleviate some concerns regarding potential conversion of the building into a dwelling unit, but may suggest future use as a “bunkie”, which is typically a stand-alone structure used for accommodating an overflow of visiting guests and/or family members that require a place to sleep.

The applicant denies that the accessory building is designed for continuous human occupancy, it has a relatively small floor area and, aside from the deck, does not contain other features which would lend itself to be used as a residence (i.e., electricity, heating, and plumbing).

**Alternative:**

1. That the Board approve Development Variance Permit No. A2023.029-DVP.

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**Respectfully submitted**



Shannon Duong, Planner II

**Endorsed by:**

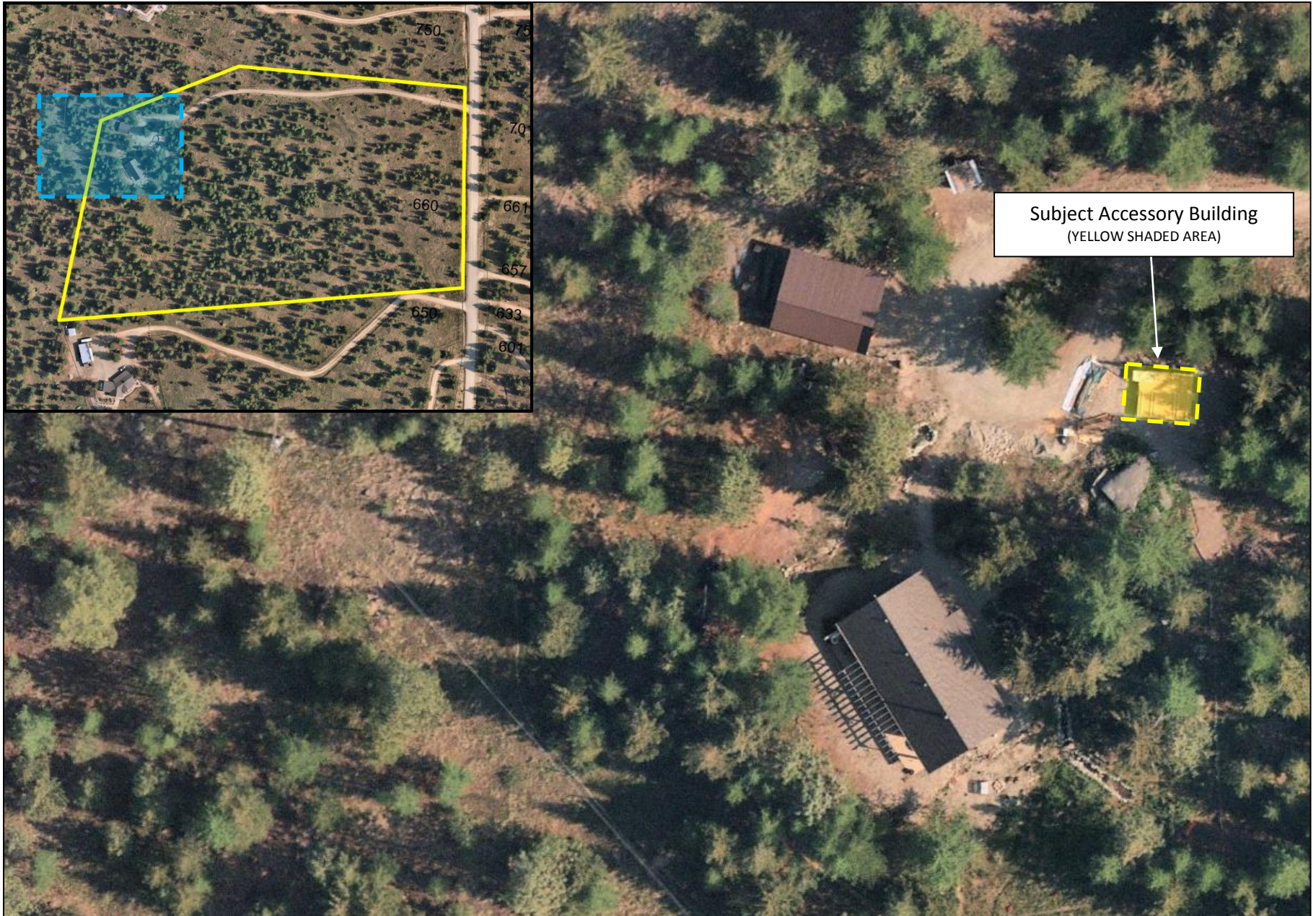


C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Site Photo (Google Streetview)

No. 2 – Site Photo (July 2023)

Attachment No. 1 – Aerial Imagery (2023)



Attachment No. 2 – Site Photo (July 2023)

